

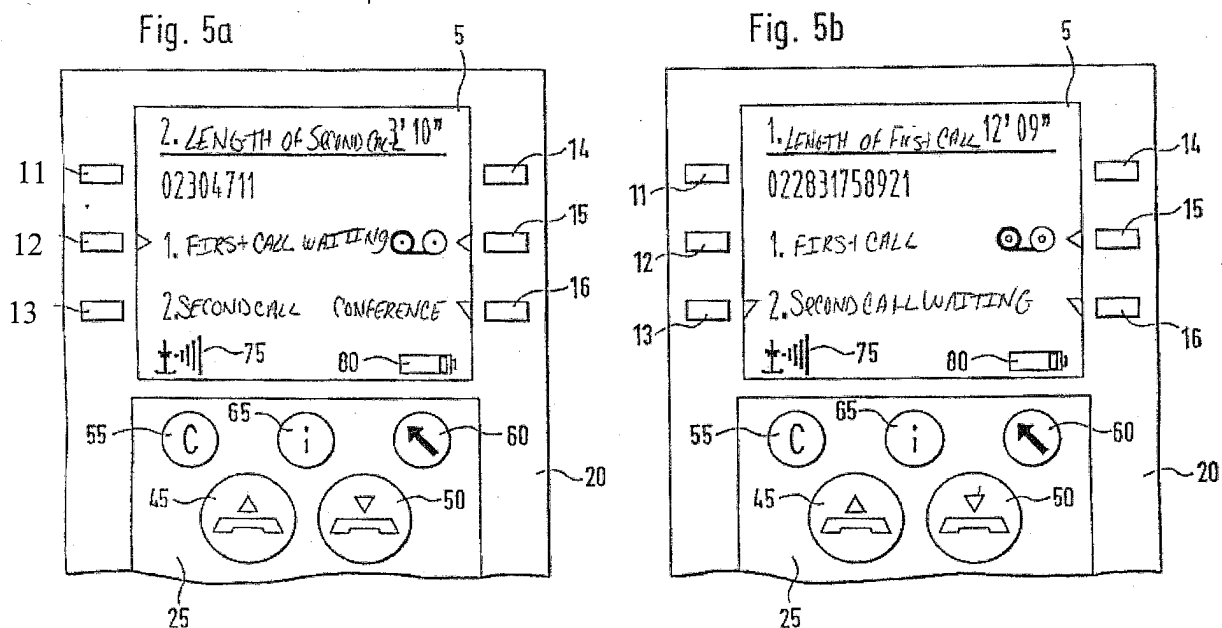
REMARKS

The last Office Actions in the above identified application have been carefully considered.

It is noted that the Examiner rejected the claims over the U.S. patent documents to Tsoi and Baals.

After carefully considering the Examiner's grounds for the rejection of the claims over the art, applicants canceled the original claims and submitted new claim 21, the broadest independent claim on file, and claim 22 which depends on it.

The new features of the present invention can be best explained with reference to Figures 5a and 5b:



As can be seen, in Figure 5a, button 12 is active while button 13 is not, whereas in Figure 5 b button 13 is active but button 12 is not.

This functionality is what is intended to be defined in the claims by the wording of claim 19 in which it was stated that “wherein a first operating state is provided in which an information about a first operating state on said display device is associated with said first control element, said first control element has no function and merely the information about its first operating state is assigned, and in which a function for activation of a second operating state on said display device is associated in said second control element, wherein said second operating state is associated with said first operating state, and wherein an information in said second operating state is converted into a function for activation of said first activating state, which function is activatable by said first control element.

In the first state (Figure 5a), button 13 corresponds to the first control element; “second call” is displayed but no function is assigned to this button. Activation of the second state (Figure 5b) is controlled by button 12 in Figure 5a. In the second state, button 13 serves to return the phone to the state of Figure 5a.

In the Examiner's opinion the patent documents to Tsoi and Baals make obvious the present invention. The Examiner argued that Tsoi discloses in column 6, lines 62-65 that in the state of Figure 8, pushing button next to "HANG UP" returns the phone to the state of Figure 5.

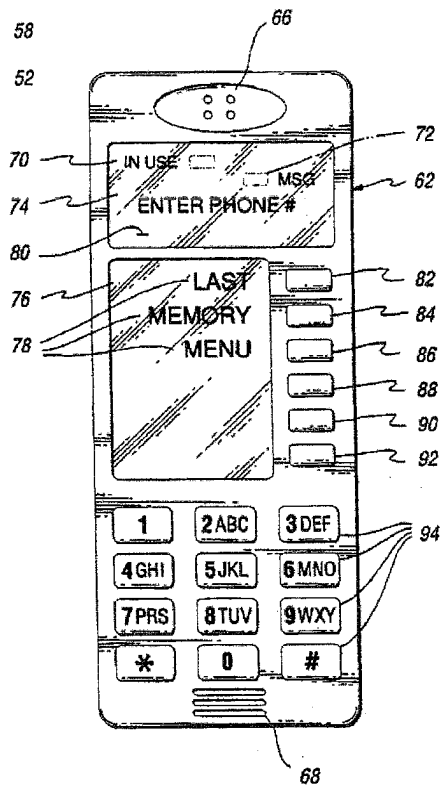


Fig. 5

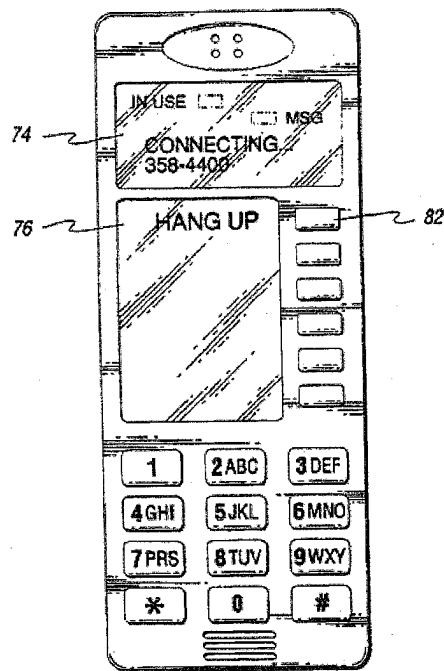


Fig. 8

The absence of a control element having no functions is acknowledged, but it is argued that Balls shows this feature, e.g. Figure 6. Also, in Figure 7 of Tsoi, buttons 3 and 4 have no function whereas in Baals Figure 6, information is aligned with the four buttons but they have no function.

Following the logic of the Examiner's statement, if the arrangement of Tsoi were to be modified to incorporate the teaching of Baals, applicants understand this argument to be that either of the screen views (76) of Fig. 5 or Fig. 8 of Tsoi could be modified to include the display of information not assigned to an active button.

In Baals, a phone operation is described in which either one, two or four buttons are associated with a particular action, see Figs. 4, 2, 5. For the latter, one action may be activated by pressing one of two buttons (Fig. 3) or each action may have only a single operating button (Fig. 5). A further possibility is described in which no button is associated with an action (Fig. 6).

In the case where information is displayed but there is no action associated with a button (Fig. 7), it is not possible to press one of the buttons to change to an associated operating state since none of the buttons are active.

The claim requires that the radio apparatus of the invention has an operating state in which a first control element has no function and a second control element can activate a second operating state.

While Tsoi describes an apparatus in which a first control element has no function and a second control element can activate a second operating state, there is no disclosure of the display of information associated with the control element having no function.

Similarly, Baals also does not describe an apparatus in which a state where a first control element has no associated function and a second control element has an associated function, information is displayed which is associated with the first control element.

Since neither of the prior art references cited disclose the aspect of the invention a combination of the teaching of the two documents by a person of ordinary skill in the art would not lead to the claimed invention.

While the Supreme Court has indicated that the obviousness question must not be addressed in a narrow rigid manner, it is submitted that if the modification to the prior art which is required to arrive at the claimed invention is not a modification which is described in the second document which is being combined with the first document, such a modification can not be considered to be obvious.

The problem with the present invention seeks to overcome is to improve the man-machine interface of a mobile telephone having control elements, or soft keys. That improvement is to display similar information in first and second operating states but the selectability of that information changes between the states-in the first state, no function is associated with the display but in the second state, there is associated function. By means of the invention, the user can toggle between operating states with the display being substantially unchanged with regard to the first and second

control elements, thereby raising the level of user is convenience through avoiding unnecessary changes to the displayed information.

It is believed to be clear that the present invention patentably distinguishes from the patent documents Tsoi and to Baals or in a combination of these documents.

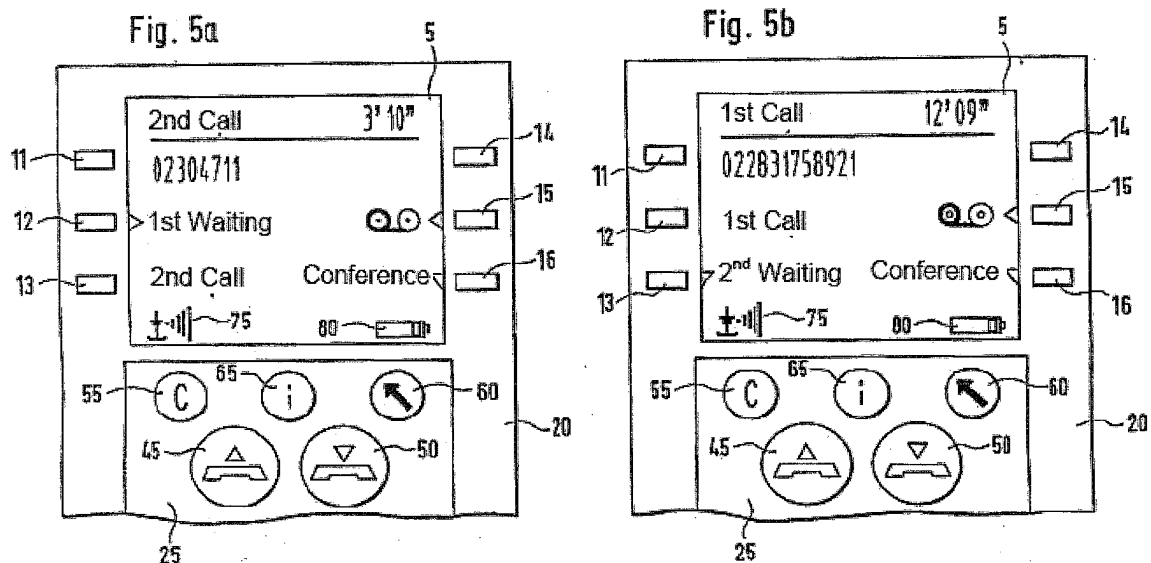
Claim 21 specifically states that in said second operating state an information about said second operating state of said display device is associated with said second control element, said second control element having no functions and merely the information about said second operating state is assigned and in which a function for activation of said first activating state on said display device is associated with said first control element.

New claim 21 now explicitly recites the function of the control elements to toggle between the operating states such that in the first state the second element selects the second state and in the second state the first element selects the first state.

Claim 22 is a new claim directed to the actions of control elements 15 and 16 in Figures 5a and 5b.

With the present communication applicants have submitted a better translation of the original Figures 5a and 5b.

It is believed to be clear that claims 21 and 22 clearly and patent distinguish the present invention from the prior art applied by the Examiner.



Reconsideration and allowance of the present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance; he is invited to telephone the undersigned (at 631-549-4700).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael J. Striker', with a long horizontal flourish extending to the right.

Michael J. Striker
Attorney for Applicants
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